

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
JUN 08 2007In re application of
Bruce Zepke et al.

Date: June 4, 2007

Examiner: Not Yet Assigned

Appln. No.: 10/549,605

Group Art Unit: Not Yet Assigned

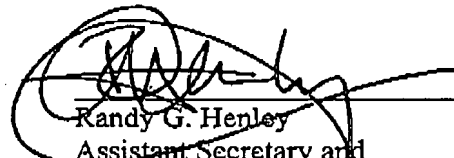
Filed: March 20, 2003

Docket No.: OT-4933

Title: WIRELESS ELEVATOR HALL FIXTURES INTEGRAL WITH HALL DOOR
FRAMECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**Statement of Consent by Assignee to Correct Inventorship**

OTIS ELEVATOR COMPANY (assignee) consents to the correction of inventorship filed herewith.

The assignment of the originally named inventor Paul Stucky to OTIS ELEVATOR COMPANY was made on January 27, 2003. The Assignment has been recorded on September 20, 2005 at reel and frame 017788/0101. Otis Elevator hereby consents to the addition of Paul Stucky as an inventor.



Randy G. Henley
Assistant Secretary and
Intellectual Property Counsel
Reg. No. 35,188

Otis Elevator Company
Ten Farm Springs
Farmington, CT 06032
Telephone: (860) 676-5742

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Bruce Zepke et al.

Date: January 25, 2007

Examiner: Not Yet Assigned

Appln. No.: 10/549,605

Group Art Unit: Not Yet Assigned

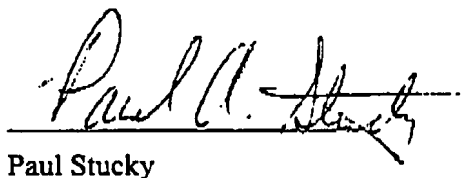
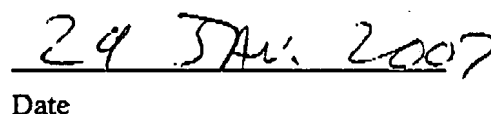
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FRAMECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement by the Originally Unnamed Inventor

I, the undersigned state that the error in naming the correct inventors for US Application No. 10/549,605 entitled WIRELESS ELEVATOR HALL FIXTURES INTEGRAL WITH HALL DOOR FRAME, filed on March 20, 2003, occurred without deceptive intent. The undersigned is an additional co-inventor.


Paul Stucky
Date

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CERTIFICATE OF MAILING UNDER 37 CFR 1.10

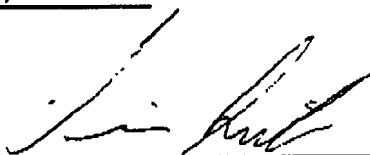
I hereby certify that the correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV867634554 US

Express Mail Number

February 8, 2007

Date



Signature

Tricia Smith

Typed or printed name

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Enclosures:

1. Correction of Inventorship in a Non-Provisional Application Under 37 CFR 1.48(a);
2. PTO-2038 Form;
3. Statement of Consent by Assignee to Correct Inventorship; and
4. Statement by the Originally Unnamed Inventor.

COPY

Appln. No. 10/549,605
Atty. Docket No. OT-4933

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JUN 08 2007

In re application of:

Docket: OT-4933

Bruce Zepke et al.

Date: February 8, 2007

Serial No. 10/549,605

Confirmation No. 1930

Filing Date: March 20, 2003

Examiner: Not Yet Assigned

Title: WIRELESS ELEVATOR HALL FIXTURES INTEGRAL WITH HALL DOOR
FRAMECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


Correction of Inventorship in a Non-Provisional ApplicationUnder 37 CFR 1.48(a)

In response to the Notification of Defective Response please amend the inventorship of the subject Application to add Mr. Paul Stucky as a co-inventor. Mr. Stucky was inadvertently omitted from the corresponding international application PCT/US03/08532. Mr. Stucky was correctly listed on both the Assignment and Declaration which were executed by all the inventors and submitted at the time the PCT application was filed. A subsequent Declaration was again executed by all the inventors and submitted December 20, 2006.

Attached is a statement by Mr. Stucky that the error in inventorship occurred without deceptive intent.

Attached is a statement by the Assignee consenting to the correction of inventorship.

Please charge the processing fee of \$130.00 under 37 CFR 1.17(i) and any additional fees for this statement to our credit card, copy enclosed.

Otis Elevator Company
Ten Farm Springs
Farmington, CT 06032
Telephone: (860) 676-5041Respectfully submitted,
Bruce Zepke et al
Thomas H. Osborn
Registration No. 40,752

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In re application of
Bruce Zepke et al.

Date: January 25, 2007

Examiner: Not Yet Assigned

Appln. No.: 10/549,605

Group Art Unit: Not Yet Assigned

Filed: March 20, 2003

Docket No.: OT-4933

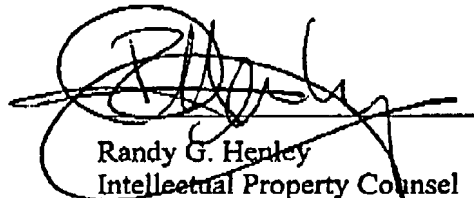
Title: WIRELESS ELEVATOR HALL FIXTURES INTEGRAL WITH HALL DOOR
FRAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement of Consent by Assignee to Correct Inventorship

OTIS ELEVATOR COMPANY (assignee) consents to the correction of inventorship
filed herewith.

The assignment of the originally named inventor Paul Stucky to OTIS ELEVATOR
COMPANY was made on January 27, 2003. The Assignment has been recorded on September
20, 2005 at reel and frame 017788/0101. Otis Elevator hereby consents to the addition of Paul
Stucky as an inventor.


Randy G. Henley
Intellectual Property Counsel
Reg. No. 35,188

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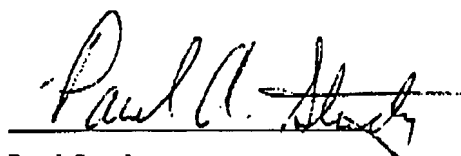

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Statement by the Originally Unnamed Inventor

I, the undersigned state that the error in naming the correct inventors for US Application No. 10/549,605 entitled WIRELESS ELEVATOR HALL FIXTURES INTEGRAL WITH HALL DOOR FRAME, filed on March 20, 2003, occurred without deceptive intent. The undersigned is an additional co-inventor.


Paul Stucky
Date

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

20 APR 2007

Thomas Osborn
OTIS ELEVATOR COMPANY
Intellectual Property Dept.
Ten Farm Springs
Farmington, CT 06032



In re Application of
ZEPKE *et al*

U.S. Application No.: 10/549,605

PCT No.: PCT/US2003/008532

Int. Filing Date: 20 March 2003

Priority Date: None

Docket No.: OT-4933

For: WIRELESS ELEVATOR HALL
FIXTURES INTEGRAL WITH HALL
DOOR FRAME

DECISION
4/25/07
Resp. (2-no)
6/20/07
DATE
THO

This is a decision on the request to add an inventor in the above-captioned application filed 08 February 2007. This is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 10 July 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 22 December 2006, applicants submitted a declaration listing three inventors along with a four-month extension and fee.

On 18 January 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 22 December 2006 was not in compliance with 37 CFR 1.497(a) and (b) because inventor Paul Stucky was not recorded as an inventor in the international application. Applicants were given one month to respond, or any time remaining on the Form PCT/DO/EO/905.

On 08 February 2007, applicants filed a reply which was accompanied by, *inter alia*, the processing fee; a "Statement by the Originally Unnamed Inventor"; and a "Statement of Consent by Assignee to Correct Inventorship."

DISCUSSION

Applicants request to add Mr. Stucky as an inventor in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage

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application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Mr. Stucky who requests to be added as an inventor in the above-captioned application. Mr. Stucky states that the error in inventorship "occurred without deceptive intent." The processing fee of \$130.00 has been paid. Applicants also submitted a declaration of the assignee consenting to the change of inventorship. This document was signed by Mr. Randy G. Henley as Intellectual Property Counsel.

The Consent of Assignee is not accepted for the following reason.

MPEP § 324 states that: "[a] person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. The consent of assignee was signed by Mr. Randy G. Henley as Intellectual Property Counsel of Otis Elevator Company. This position is not presumed to have authority to sign the statement on behalf of the assignee. In addition, the submission does not set forth that Mr. Henley is authorized to act on behalf of the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet complete.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions

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of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302